



DB-28-08

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named	
Inventor :	Ronald Marsh
Appln. No. :	10/629,183
Filed :	July 29, 2003
Title :	WEATHER INFORMATION NETWORK ENABLED MOBILE SYSTEM (WINEMS)
Docket No. :	U66.12-0005
Group Art Unit: 3664	
Examiner: Brian J. Broadhead	

REPLY BRIEF FOR APPELLANT

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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This is in response to the Examiner's Answer mailed June 30, 2008.

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EXPRESS MAIL COVER SHEET

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The following papers are being transmitted via **EXPRESS MAIL** to the U.S. Patent and
Trademark Office on the date shown below:

1. Reply Brief for Appellant.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 8.27.2008

By _____


Austen Zuege, Reg. No. 57,907
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

AZ:kmm

Argument

In Section (10) of the June 30, 2008 Examiner's Answer, a response to the Appellant's arguments was provided. The following are the Appellant's rebuttal arguments.

In response to Appellant's argument that the present claims require simultaneous processing of emergency event data and digital data, the Examiner's Answer states:

The limitation of processing data is very broad and is interpreted to be recited by Videtich when he talks about getting additional information beyond what is available from the satellite by using the telematic link in paragraph 21. This information is used along with the information already received by the cellular/satellite receiver to determine what to output to the user. So the data is processed simultaneously even though it may not be received simultaneously.

(Examiner's Answer, p. 6; see also p. 7, indicating that the arguments with respect to claims 19, 43 and 48 also apply to claims 12, 16, 42 and 47). Appellant disagrees.

The Examiner's Answer makes an argument that simultaneous reception and simultaneous processing can be distinguished; however, that argument is insufficient to maintain the rejections of the claims because Videtich still does not contain a disclosure of simultaneous processing. Videtich discloses placing calls with the telematics unit 128 to the service management subsystem 108 based upon an indication generated as a function of information received via the satellite radio receiver 124. (Videtich, ¶¶18-21; FIGS. 1-3). However, this disclosure by Videtich still does not provide any simultaneous processing as required by the present claims. Rather, Videtich discloses the service management subsystem 108 as a "call center", which would necessarily involve telephonic communications with a live operator. Telephonic communications with an operator at a call center (i.e., the service management subsystem 108) are direct communications between the operator and a system user, and would not involve data processing. (Videtich, ¶12). For that reason, there is no simultaneous processing by Videtich, even amongst data received at different times, because telephonic communications transmitted between the telematics unit 128 and the service management subsystem 108 via the mobile telephone tower 158 are never processed at all.

Making telephonic calls to a live operator in a call center that controls the transmission of a single data signal to the user's mobile unit via a satellite connection is distinguishable from the

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present invention, as argued at length during prosecution with respect to various prior art documents. The present invention can eliminate the need for centralized control at a call center as disclosed by Videtich. Paragraphs 22-27 of Videtich disclose functionality involving the service management subsystem 108, but that disclosure merely indicates that the service management subsystem 108 can dictate what information is uploaded to satellite radio uplink delivery system 116 for transmission to the satellite radio receiver 124. Paragraph 21 of Videtich discloses the telematics unit 128 automatically calling the service management subsystem 108, but that is no more than a "speed dial" feature and does not involve data transmission separate from the satellite signal. In other words, Videtich modifies the single satellite signal over time according to instruction from a call center, but all emergency data is derived from that satellite signal. This confirms that data processing is only performed with respect to data received by the satellite radio receiver 124, and that simultaneous processing is not disclosed by Videtich.

Thus, the present claims are allowable over the cited art.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date:

8.27.2008

By:


Austen P. Zuege, Reg. No. 57,907
THE KINNEY & LANGE BUILDING
312 South 3rd Street
Minneapolis, MN 55402-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

AZ:kmm

Claims Appendix

1-11. (Canceled)

12. (Previously presented) A portable alert system for receiving emergency event data, the portable alert system comprising:

a radio receiver for receiving emergency event data;

a global positioning system receiver for determining a location of the portable alert system;

a satellite receiver for receiving digital data;

a computer processor disposed within the portable alert system; and

control software utilized by the computer processor for processing the emergency event data and an input from the global positioning system to provide an output to a display indicating a position of the portable alert system and a position of an emergency, wherein the computer processor further utilizes the control software to process the input from the global positioning system receiver to automatically program the radio receiver to receive only an emergency data broadcast data signal associated with the location of the portable alert system, and wherein the computer processor further utilizes the control software to simultaneously process the emergency event data from the radio receiver and the digital data from the satellite receiver.

13-15. (Canceled)

16. (Previously presented) The portable alert system of claim 12 wherein the digital data received by the satellite receiver comprises digital radar data.

17-18. (Canceled)

19. (Previously presented) A portable alert system for receiving emergency event data, the portable alert system comprising:

a radio receiver for receiving emergency event data;
a global positioning system receiver for determining a location of the portable alert system;
a cellular phone system for receiving digital data;
a computer processor disposed within the portable alert system; and
control software utilized by the computer processor for processing the emergency event data and an input from the global positioning system to provide an output to a display indicating a position of the portable alert system and a position of an emergency, wherein the computer processor further utilizes the control software to process the input from the global positioning system receiver to automatically program the radio receiver to receive only an emergency data broadcast data signal associated with the location of the portable alert system, and wherein the computer processor further utilizes the control software to simultaneously process the emergency event data from the radio receiver and the digital data from the cellular phone system.

20-41. (Canceled)

42. (Previously Added) The portable alert system of claim 12, wherein the emergency data broadcast data signal is associated with a specified analog broadcast frequency.

43. (Previously Added) The portable alert system of claim 19, wherein the emergency data broadcast data signal is associated with a specified analog broadcast frequency.

44-46. (Canceled)

47. (Previously Added) The portable alert system of claim 12, wherein the digital data comprises emergency event data.

48. (Previously Added) The portable alert system of claim 19, wherein the digital data comprises emergency event data.